

CHAPTER 10

PUBLIC NUISANCES

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10.01 PUBLIC NUISANCES PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

10.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- 1) Substantially annoy, in jure or endanger the comfort, health, repose or safety of the public.
- 2) In any way render the public insecure in life or in the use of property.
- 3) Greatly offend the public morals or decency.
- 4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definitions of sec. 10.02 of this Chapter:

- 1) **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- 2) **AIR POLLUTION.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
- 3) **ANIMALS.** All domestic animals running at large, except within the private property of the owner of such animals. A dog shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.
- 4) **BREEDING PLACES FOR VERMIN, ETC.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- 5) **DEPOSIT OF HARMFUL SUBSTANCES.** No person shall deposit or cause to be deposited in any public road or on any public ground or on any private property not his or her own any refuse, garbage, litter, waste material or liquid or any other hazardous material or liquid. When any such material is placed on the person's own private property, it shall be properly enclosed and covered so as to prevent the same from becoming a public nuisance.
- 6) **HIGHWAY POLLUTION.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

- 7) **NOXIOUS ODORS, ETC.** Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stench repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- 8) **NOXIOUS WEEDS.** All noxious weeds within the Town, as defined in §66.0407, Wis. Stats. In addition, all growth of vegetation which becomes a potential hazard to vehicular traffic in vision clearance triangles shall be cut by the owner or occupant of the property.
- 9) **OUTDOOR FURNACES.** An outdoor furnace is any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space. An outdoor furnace may be installed, operated and used in the Town of Sparta only in accordance with the following provisions:
 - a. The outdoor furnace shall not be used to burn any trash, garbage, rubbish, asphalt, oily substances, rubber, plastic, hazardous or explosive materials.
 - b. The outdoor furnace shall be located at least 250 feet from the nearest occupied building which is not on the same property as the outdoor wood-fired furnace.
 - c. The outdoor wood-fired furnace shall have a chimney that extends at least twelve (12) feet above the ground surface. If there are any residences within 500 feet the chimney shall also extend at least as high above the ground surface as the average maximum height of the roofs of all such residences. The Town Board may approve lesser heights on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
 - d. The owner of the outdoor wood-fired furnace shall obtain a permit from the Building Inspector prior to installation under section 13.07 of this Code.
 - e. The outdoor furnace shall be installed, operated, and used in accordance with the manufacturer's guidelines except as otherwise provided in this section.
 - f. Outdoor furnace installations completed prior to February 10th, 2015 will be considered grandfathered in for the purposes of (b) and (c) above and may be continued as long as the outdoor furnace is not hazardous, harmful, noxious, or a public nuisance.
- 10) **STAGNANT WATER.** All stagnant water in which mosquitoes, flies or other insects can multiply, except wetlands and drainage ditches.
- 11) **UNBURIED CARCASSES.** Carcasses of animals, birds or fowl not intended for human consumption, or foods which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- 12) **WATER POLLUTION.** The pollution of any public well or cistern, stream, lake, canal or other body of water by trash, sewage, fuels, oils, creamery or industrial wastes or other industrial substances.

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of sec. 10.02 of this Chapter.

- 1) CONTINUOUS VIOLATION OF TOWN ORDINANCES. Any place or premises within the Town where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- 2) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- 3) GAMBLING DEVICES. All illegal gambling devices and slot machines, except as permitted by State law.
- 4) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws or this Code.
- 5) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of sec. 10.02 of this Chapter:

- 1) ABANDONED OR UNATTENDED REFRIGERATORS & ICEBOXES. No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.
- 2) DANGEROUS TREES. All trees which are injurious to public health or safety because of a diseased or damaged condition.
- 3) DEPOSITING SNOW OR ICE ON TOWN HIGHWAYS. It shall be unlawful for any person to plow, shovel, or otherwise deposit or place snow or ice on the maintained portion of any public road within the Town, or to permit such depositing of snow or ice from property occupied by him. Violations of this section may be enforced against either or both the owner and occupant of the property from which the snow was removed or the property adjacent to the highway where the snow is found.

- 4) **DILAPIDATED BUILDINGS.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- 5) **FIREWORKS.** All use, possession or display of fireworks except as provided by the laws of the State and Chapter 9 of this Code.
- 6) **FLAMMABLE LIQUIDS.** Repeated or continuous violations of this Code or the laws of the State relating to the storage of flammable liquids.
- 7) **ILLEGAL BUILDINGS.** All buildings erected, repaired or altered in violation of the provisions of this Code relating to materials and manner of construction of buildings and structures within the Town.
- 8) **NOISY ANIMALS OR FOWL.** No person shall own, keep, harbor or have in his possession any animal or animals within the Town, except farm animals as provided under the Monroe County Zoning Code, which, by frequent or habitual howling, yelping, barking or other disturbing noise, individually or together, offend the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this subsection, when the person alleged to have violated this subsection owns, keeps, harbors or has in his possession more than one animal of the type causing the disturbance, it is not required that the particular animal or animals causing the disturbance be identified. Each day that such disturbance continues or occurs constitutes a separate offense.
- 9) **OBSTRUCTION OF INTERSECTIONS.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- 10) **OBSTRUCTIONS OF HIGHWAYS; EXCAVATIONS.** All obstructions of highways, streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by this Code or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or do not conform to the permit.
- 11) **OPEN CISTERNS, WELLS, BASEMENTS, OR OTHER DANGEROUS EXCAVATIONS.** No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.
- 12) **SIGNS, BILLBOARDS, ETC.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public safety.
- 13) **TREE LIMBS.** All limbs of trees which project over and less than fifteen (15) feet above a street or other public place.

14) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markers or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any authorized device, sign or signal.

15) UNLAWFUL ASSEMBLY. Any unauthorized or unlawful use of property abutting on a public highway or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the highways or sidewalks. Refer to sec. 9.07 of this Code.

16) WIRES AND CABLES OVER HIGHWAYS. All wires and cables over highways, streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.

10.06 JUNK AND JUNKED VEHICLES.

1) PUBLIC NUISANCES DECLARED. The following are hereby declared to be public nuisances wherever they may be found within the Town.

a) Any motor vehicle, truck body, tractor or trailer as enumerated in sub. (2) below and defined in sub. (4)(a), (d) and (e) below.

b) Any junk as enumerated in sub. (3) below and defined in sub. (4)(d) below.

2) STORAGE OF VEHICLES RESTRICTED.

a) Except as provided in the Monroe County Zoning Code, no person shall accumulate, store or allow any disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any property within the Town for a period exceeding thirty (30) days unless it is in connection with an automotive sales, repair or storage business enterprise located in a properly zoned area.

b) Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed thirty (30) days, after which such vehicles shall be removed.

3) STORAGE OF JUNK PROHIBITED. Except for inoperable farm machinery on operating farms, no person, except a person duly authorized to do so under the Monroe County Zoning Code regulations and junk yards licensed by the Town, shall accumulate, store or allow any junk outside of any building on any real estate located in the Town.

4) DEFINITIONS. The words, phrases and terms used in this section shall be interpreted as follows:

a) Disassembled, Inoperable, Junked or Wrecked Motor Vehicles, Truck Bodies, Tractors, Trailers. Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or being operated upon the public streets or highways.

- b) In the Open. Land which may be viewed from public streets or adjoining property.
 - c) Junk. Worn out or discarded material of little or no value including, but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Town property values, health, safety or general welfare.
 - d) Motor Vehicle. As defined in §340.01(35), Wis. Stats.
 - e) Unlicensed Motor Vehicles, Truck Bodies, Tractors or Trailers. Motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.
- 5) ISSUANCE OF CITATION; ACTION TO ABATE. Whenever the Town Chairperson, Zoning Administrator, or Building Inspector shall find any such vehicle or junk, as defined in sub. (4) above, accumulated, stored or remaining in the open upon any property within the Town contrary to the provisions of subs. (2) and (3) above, he shall notify the owner of said property on which such vehicle or junk is located of the violation of this section. If such vehicle or junk is not removed within ten (10) days, the Chairperson, or designate Town agent, shall cause a citation to be issued to the property owner or the occupant of the property upon which such vehicle or junk is located. In addition, action to abate such nuisance may be commenced, as provided in sec. 10.08 of this Chapter.

10.07 WEED CONTROL.

- 1) NOXIOUS WEEDS PROHIBITED. No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds so as to constitute a public nuisance, as defined in sec. 10.03(8) of this Chapter.
- 2) NOTIFICATION. The Town Chairperson shall annually, on or before May 15, publish a Class 2 notice, under Ch. 98.5, Wis. Stats., that every person is required by law to destroy all noxious weeds, as defined in sec. 10.03(8) of this Chapter, on land in the Town which he owns, occupies or controls.
- 3) ENFORCEMENT. If a property owner fails to control the growth of such weeds or rank growth of vegetation on his property, the Town Chairperson shall serve upon him notice as to this fact. If such owner fails to abate this nuisance within five (5) days after service of the notice, the Town Chairperson shall take action to abate such public nuisance.
- 4) COSTS. If the Town causes a nuisance to be removed as provided in sub. (3) above, the actual cost thereof, together with an administrative fee equal to ten percent (10%) of the actual cost, shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to ten percent (10%) of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to §66.0627, Wis. Stats.

10.08 ABATEMENT OF PUBLIC NUISANCES.

- 1) **ENFORCEMENT.** It shall be the duty of the Town Chairperson, Zoning Administrator, Building Inspector, Fire Chief, County Sheriff's Department, and the County Health Officer to enforce those provisions of this Chapter that come within the jurisdiction of their respective offices and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
- 2) **SUMMARY ABATEMENT.**
 - a) **Notice to Owner.** If the inspecting officer shall determine that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairperson shall serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
 - b) **Abatement by Town.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- 3) **ABATEMENT BY COURT ACTION.** If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance and the owner of the property to remove the same within 10 days. If such nuisance is not removed within 10 days, he shall report such fact to the Town Chairperson, who may direct the Town Attorney to commence an action in Circuit Court for the abatement of the nuisance.
- 4) **OTHER METHODS NOT EXCLUDED.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State, nor as prohibiting an action to be commenced in the Circuit Court seeking a forfeiture as provided in sec. 10.09 of this Chapter.
- 5) **COST OF ABATEMENT.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

10.09 PENALTY. In addition to the penalties provided in this Chapter, any person who shall violate any provision of this Chapter, or permit or cause a public nuisance, shall be subject to a penalty as provided in sec. 1.07 of this Code.

10.10 thru 10.99 RESERVED.